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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,034	07/15/2003	Cheryl Singer	22595	7491

535 7590 11/02/2004

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EXAMINER
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BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/620,034

Applicant(s)

SINGER, CHERYL

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

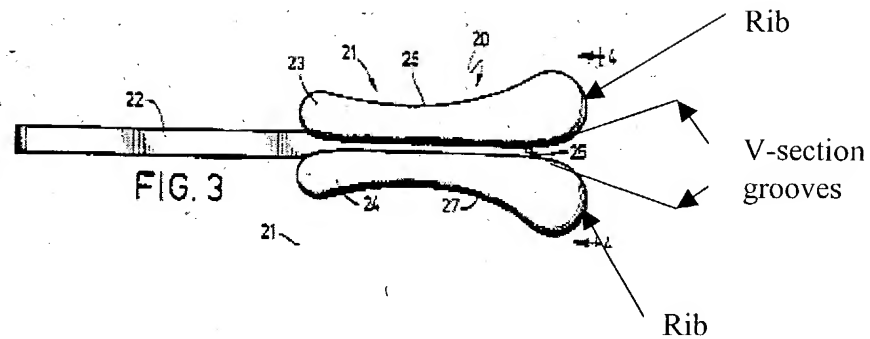
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

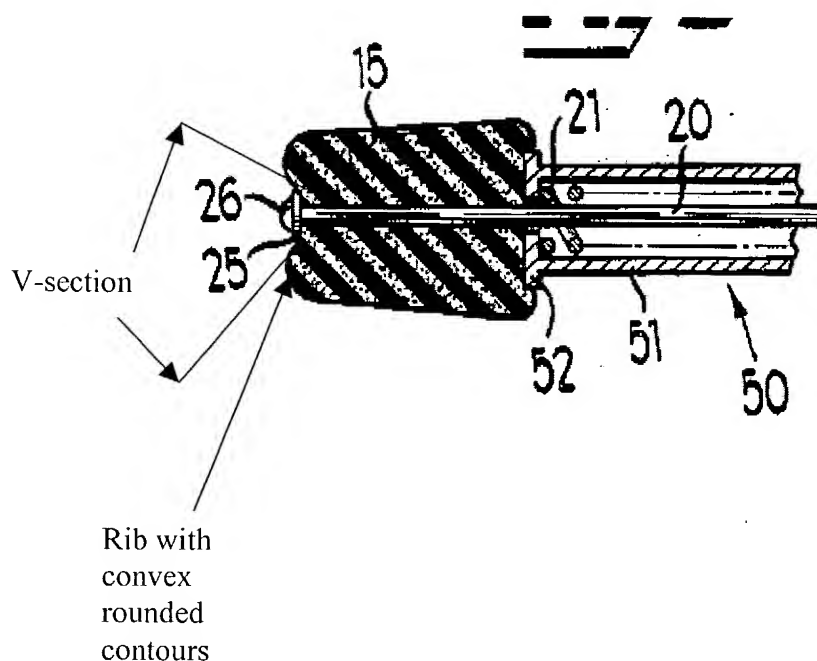
Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutton et al. (USPN 4601081).

Sutton teaches a toilet brush comprising a cardboard tube (22) and an open cell sponge (20) with a plurality of ribs (see figure below). The ribs are angularly offset about the sponge in a regular pattern. The ribs have outwardly convex rounded contours and the sponge has a V-section groove between the ribs. The sponge has a central hole and the cardboard tube is adhesively fitted within the hole to attach the sponge and the tube.



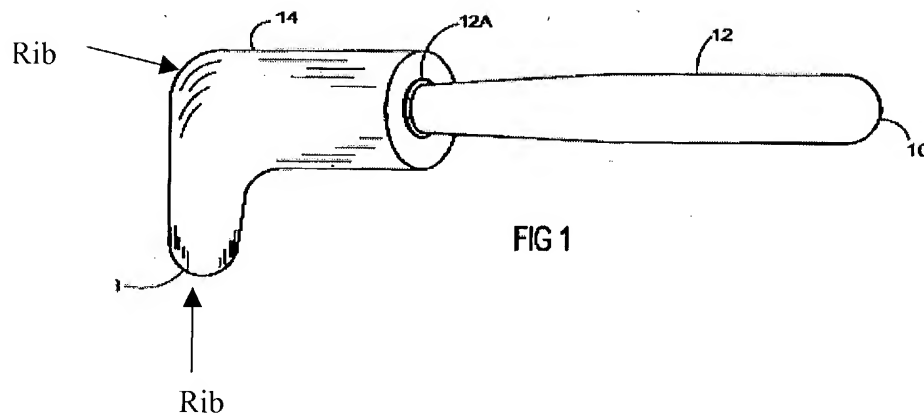
Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Knox et al. (USPN 4075033).

Knox teaches a toilet brush comprising a cardboard tube (13) and an open cell sponge (15) with a plurality of ribs (see figure below). The ribs are angularly offset about the sponge in a regular pattern. The ribs have outwardly convex rounded contours and the sponge has a V-section groove between the ribs. The sponge has a central hole and the cardboard tube is adhesively fitted within the hole to attach the sponge and the tube.



Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Daconta (USPN 5471697).

Daconta teaches a toilet brush comprising a cardboard tube (12) and an open cell sponge (14A, 14B) with a plurality of ribs (see figure below). The ribs are angularly offset about the sponge in a regular pattern. The sponge has a central hole and the cardboard tube is fitted within the hole to attach the sponge and the tube.



Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Wolf (PGPub 20020054784).

Wolf teaches a toilet brush comprising a cardboard tube (4) and an open cell sponge (fig 1, element 5) with a plurality of ribs.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spann (USPN D269917) in view of Sutton.

Spann teaches a cleaning tool comprising a handle and a sponge attached to the end of the handle. The sponge comprises ribs that are angularly offset about the sponge in a regular pattern. The sponge has a central hole that the handle is fitted into. The ribs have outwardly convex rounded contours with V-section grooves located between the ribs. Spann teaches all the essential elements of the claimed invention however fails to teach that the handle is made from cardboard and that the handle is adhesively attached to the sponge. Sutton teaches a cleaning tool that has a sponge attached to the handle by means of an adhesive. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use adhesive as the means to attach the sponge to the handle since it will ensure that the sponge will not slip off the handle unnecessarily. Additionally, the handle of Sutton is made from a cardboard material. It would have been obvious to use cardboard as the handle on Spann cleaning tool since it has been held within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton.

Sutton teaches all the essential elements of the claimed invention including a pouch of packaging material to package the toilet brush. Sutton however fails to teach that two toilet brushes can be packaged in the same package. Packaging two toilet brushes together instead of just one is known as duplicating a part for a multiple effect. *In re Harza*, 124 USPQ 378, 380. This is a modification that has been considered to be within the level of ordinary skill in the art to follow and therefore it would have been obvious to package two toilet brushes in the same package.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knox et al. in view of Genovese, Jr. (USPN 5092013) or Daconta in view of Genovese, Jr. (USPN 5092013) or Wolf in view of in view of Genovese, Jr. (USPN 5092013) or Spann in view of Sutton further in view of Genovese, Jr. (USPN 5092013).

Knox or Daconta or Wolf or Spann in view of Sutton teaches all the essential elements of the claimed invention however fail to teach a pouch of packaging material to package the cleaning brush. Genovese teaches a toilet brush that is originally packaged in a plastic wrapper or envelope (10). It would have been obvious to package the brushes of Knox or Daconta or Wolf or Spann in view of Sutton in the packaging as taught by Genovese so as to prevent moisture or air from reaching the brushes before use. Additionally, using a packaging material would be beneficial for sanitary purposes and keeping the brushes clean before use. While Genovese teaches packaging only one toilet brush it would have been obvious to package two per wrapper since packaging two toilet brushes together instead of just one is known as duplicating a part for a multiple effect. *In re Harza*, 124 USPQ 378, 380. This is a modification

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that has been considered to be within the level of ordinary skill in the art to follow and therefore it would have been obvious to package two toilet brushes in the same package.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb  
10/25/04

  
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